

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16993 of 2004

Between:

Mogili Samrajyam, W/o Ramaiah.
R/o ST Colony, Piduguralla, Guntur District.

..... PETITIONER

AND

- 1 The Superintendent of Police, Guntur District, Guntur.
- 2 The Dy. Superintendent of Police, Sathenapalli, Guntur District.
- 3 The Station House Officer, Piduguralla P.S., Guntur District.
- 4 Mogila Arogyamma, w/o Chinnappa,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more especially one in the nature of writ mandamus declaring the in action of the respondents in not registering the complaint dt. 3-9-2004 as a Crime and in not taking any steps to protect the petitioner and her family members from the 4th respondent and her associates and consequently direct the respondents to register a crime on the basis of the complaint dt. 3-9-2004 lodged by the petitioner.

Counsel for the Petitioner : MR. KIRAN KUMAR VADLAMUDI

Counsel for the Respondents 1 to 3 : GP FOR HOME

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.16993 OF 2004

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ORAL ORDER :

The only grievance of the petitioner is that in spite of the fact that the petitioner made a complaint on 03-09-2004 with regard to the alleged incident that took place on 02-09-2004, the respondents 1 to 3 failed to take any action.

As can be seen from the copy of the complaint, dated 03-09-2004, the petitioner has specified the names of eight persons and said that they came to her house and outraged her modesty alleging that she performed "BANAMATHI" and certain allegations were also made.

In the counter-affidavit filed on behalf of the respondents, the fact that the petitioner made such complaint has not been disputed. However, it is stated that after careful examination of the complaint the respondents 1 and 2 forwarded the same to the third respondent to take action and that the third respondent having investigated into the case found that the petitioner was involved in a murder case in Cr.No.102 of 2003 of Piduguralla Police Station which is pending trial before the I-Additional Metropolitan Magistrate, Gurazala, Guntur District vide P.R.C.No.21 of 2003 and further as per the confidential enquiries made by the third respondent in the locality of S.T. Colony where the petitioner resides, none spoke about the alleged incident.

Heard the learned Counsel for both the parties and perused the material on record.

It is to be noted that the counter-affidavit of the respondents is silent about the aspects whether on receipt of the complaint from the petitioner any entry was in the General Diary and whether a crime was registered before investigating into the alleged incident.

Learned counsel for the petitioner, while placing reliance upon the decision rendered by the Apex Court in “**MOHINDRO v. STATE OF PUNJAB AND OTHERS**”, contended that when a complaint of cognizable offence has been reported, police are required to register the same and then enquire into the offence. He contends that since they failed to do so, the plea of the respondents that they have enquired into the offence cannot be accepted.

In the above case, the Apex Court, while considering an identical issue, observed that there cannot be any enquiry without registering a case, and allowed the appeal with a direction that a case be registered on the basis of the report to be lodged by the appellant therein and thereafter the matter shall be duly investigated into and appropriate action be taken accordingly.

In the light of the decision rendered by the Apex Court, I find force in the contention of the learned counsel for the petitioner and accordingly, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 to 3 to register a case on the basis of the complaint of the petitioner dated 03-09-2004, and thereupon to make the necessary investigation and take appropriate further steps in

accordance with law expeditiously.

The writ petition is accordingly disposed of. No costs.

06th October, 2004.

Gbs

To

- 1 The Superintendent of Police, Guntur District, Guntur.
- 2 The Dy. Superintendent of Police, Sathenapalli, Guntur District.
- 3 The Station House Officer, Piduguralla P.S., Guntur District.
- 4. 2CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad (OUT)**

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